United Nations CRPD/CSP/2009/SR.4

Convention on the Rights of Persons with Disabilities

Official Records

Distr.: General
15 October 2009

Original: English

Conference of States Parties to the Convention on the Rights of Persons with Disabilities

Second session

New York, 2 to 4 September 2009

Summary record of the 4th meeting

Held at Headquarters, New York, on Friday, 4 September 2009, at 10 a.m.

President: Mr. Heller ..... (Mexico)
later: Mr. McLay (Acting Vice-President) ..... (New Zealand)
later: Mr. Heller (President) ..... (Mexico)

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The meeting was called to order at 10.10 a.m.

Matters related to the implementation of the Convention (*continued*)

(c) Interactive dialogue on United Nations system support for the implementation of the Convention

1. **Mr. Stelzer** (Assistant Secretary-General for Policy Coordination and Inter-Agency Affairs) said that in keeping with its mission to promote development for all, the United Nations Department of Economic and Social Affairs worked closely with all partners and stakeholders to promote implementation of the Convention. It provided the Secretariat for the Convention and administered its website. It had prepared two reports on disability issues for the sixty-fourth session of the General Assembly, one on the Status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto and the other on Realizing the Millennium Development Goals for persons with disabilities through the implementation of the World Programme of Action concerning Disabled Persons and the Convention on the Rights of Persons with Disabilities. It provided substantive support to the Special Rapporteur on disability of the Commission for Social Development, and organized technical meetings on the development of priority disability issues. His Department also provided technical advice and assistance to Member States on designing national strategies, policies and programmes on disabilities, and administered the United Nations Voluntary Fund on Disability, which had supported projects to raise awareness of the Convention in several countries in West Africa and elsewhere.

2. Initiatives undertaken by the Department of Economic and Social Affairs in collaboration with United Nations partners included the draft strategy and plan of action to mainstream the Convention on the Rights of Persons with Disabilities throughout the work of the United Nations system that had been put forward at the March 2009 meeting of the Inter-Agency Support Group on the Convention on the Rights of Persons with Disabilities. His Department had joined forces with the Department of Public Information to launch discussions on developing an online disability awareness and sensitivity training module for the United Nations Cyberschoolbus, and to produce a United Nations Television (UNTV) story on the impact of the Convention.

3. **Mr. Mokhiber** (Office of the United Nations High Commissioner for Human Rights) said that in addition to serving as secretariat for the Committee on the Rights of Persons with Disabilities, the Office of the United Nations High Commissioner for Human Rights (OHCHR) was involved in mainstreaming the provision of the Convention and the work of the Committee across the United Nations system by facilitating cooperation between the Committee and United Nations agencies. It also worked with the Human Rights Council to promote the Convention. Following a thematic study it had conducted on the legal measures required for the ratification and implementation of the Convention, OHCHR had been mandated by the Council to produce a new study on national monitoring and implementation mechanisms. He welcomed the recent creation of a Group of Friends of the Convention, which was working to ensure that the standards of the Convention were mainstreamed across the work of the Council. OHCHR also sought to ensure that outputs of the Convention were integrated into the work of other treaty bodies and that of independent special procedures so that they might benefit from and respect the standards of the Convention.

4. OHCHR had been working to develop tools and methodologies to help States parties meet their obligations under each article of the Convention; in addition, it was finalizing a guide for human rights monitors on monitoring implementation of the Convention. In over 50 United Nations field presences around the world, OHCHR offices supported ratification and implementation of the Convention by providing technical cooperation, advisory services and training in implementation to Governments and other partners on the ground. Close coordination between the Conference of States Parties, the Committee and the broader human rights community was crucial for effective implementation of the Convention.

5. **Ms. Al-Suweida** (Rapporteur of the Committee on the Rights of Persons with Disabilities) said that the work of the Committee on the Rights of Persons with Disabilities should not be viewed in isolation, but rather within the broader context of the United Nations system. The Committee played an important role in the implementation of the Convention at both the national and international levels by providing practical

guidance on the adoption of new policies consistent with the Convention and the designation of institutions to coordinate and promote implementation of the Convention. At its most recent working session, the Committee had drafted guidelines on the submission of reports and individual complaints, both of which were essential to implementation of the Convention and its Optional Protocol, and elected her as special rapporteur to deal with individual complaints under the Optional Protocol. In addition to practical guidance provided by the Committee and the Conference of States Parties, important implementation tools included international cooperation of States in the exchange of technologies and the assistance of relevant United Nations agencies.

6. The Committee could also be viewed as a monitoring mechanism. Whereas the Convention could be implemented through institutional and policy-related actions at the international level, monitoring responsibilities fell primarily to the Committee, together with the Conference of States Parties. At the national level, she hoped that civil society, especially organizations of persons with disabilities, would become actively involved in monitoring the implementation of the Convention, including by submitting regular reports to the Committee.

7. **Mr. Adlerstein** (Assistant Secretary-General for the Capital Master Plan), accompanying his statement with a computerized slide presentation, said that the capital master plan — the renovation project for the Organization's headquarters in New York — was well under way, with the last of the temporary swing spaces to become ready for occupancy in a few months; renovation of the Secretariat and Conference Buildings would begin at that time. The project would bring the entire United Nations campus into compliance with modern building and fire safety codes, improve energy efficiency and increase the level of security. Another core goal of the project was full accessibility in the permanent facilities as well as the temporary North Lawn Building. An independent architectural firm and an independent code consultant had been hired to review the designs for accessibility concerns and the New York City Building Department had been requested to perform a courtesy review of the accessibility plans.

8. The temporary North Lawn Building would incorporate a number of accessibility features; the architects sought to ensure that, in addition to complying with local laws, the building would reflect best practices and real-life experience. The security system design, seating locations and routes to speakers' platforms would accommodate the needs of persons with disabilities, and the building would be equipped with signage in Braille graphics, assistive listening devices that used induction loop technology, power-assisted doors and fully accessible parking spaces and toilet facilities. The temporary building would also serve as a testing ground: if successful and acceptable to Member States, a number of design concepts would be incorporated into the renovation of the permanent facilities.

9. **Ms. Alarcón** (United Nations Development Programme) said that it was crucial to address the negative impact of poverty affecting the majority of persons with disabilities, who continued to be excluded from the benefits of development. The Convention had provided a normative framework within which the United Nations Development Programme (UNDP) could deliver a range of initiatives at the national level. In the UNDP Strategic Plan, 2008-2011, persons with disabilities were recognized as representing a critical human rights issue that must be addressed through inclusive development. The UNDP Task Force on Disability had been established to systematize the Programme's efforts in the area of disability and to develop a coherent policy framework. The Task Force, in collaboration with the International Disability and Development Consortium, was currently overseeing the elaboration of guidelines for inclusion of persons with disabilities in UNDP programmes.

10. Following the inclusion of persons with disabilities in the UNDP Strategic Plan, a number of UNDP country offices had strengthened their support in that area, including through targeted projects and mainstreaming efforts. At the regional level, the Regional Bureau for Europe and the Commonwealth of Independent States had adopted an action plan for the period 2008 to 2009 aimed at markedly increasing the level and quality of UNDP actions in support of persons with disabilities. Most ongoing UNDP activities for people with disabilities took a multisectoral approach to tackling the multiple forms of discrimination facing persons with disabilities. In addition, the UNDP Office of Human Resources was finalizing an online learning tool to raise awareness among UNDP staff members about the needs and rights of persons with disabilities and the importance of including, empowering and employing them.

11. Recognizing that human development could not be sustainable if it was not inclusive of persons with disabilities, she stressed the need to mainstream disability throughout the policies and programmes of the United Nations system. UNDP participated actively in the inter-agency mechanism established for the development of guidelines for including the rights of persons with disabilities in United Nations country programming.

12. **Ms. Gibbons** (United Nations Children's Fund) said that the work of the United Nations Children's Fund (UNICEF) on disability was guided by a rights-based approach focused on the most marginalized and poorest children and families. In 2007, UNICEF had issued new programme guidance on children with disabilities for country offices and their partners; as a result, country offices had significantly increased the number of programmes related to disability. Furthermore, disability programming appeared to be moving from a project-based approach to a more systematic approach including policy advocacy and legislative reform.

13. UNICEF actively promoted ratification of the Convention. It was distributing a recently published child-friendly version of the Convention entitled *It's About Ability*, which aimed to empower children, with or without disabilities, to play a part in challenging discrimination and promoting the Convention's principles. As a companion text to *It's About Ability*, UNICEF, in collaboration with other entities, had published a *Learning Guide on the Convention on the Rights of Persons with Disabilities*, for use by youth leaders, peer educators, teachers and community workers to support learning about and action on the Convention.

14. Legislative reform was another key area. UNICEF helped Member States review their legislation within the framework of the Convention and supported, in partnership with other United Nations agencies, incorporation of the Convention into the domestic legislation of all States parties. UNICEF also provided support to countries by collecting and making available data on children with disabilities. To address the drastic need for comparable data on disability, UNICEF had integrated a 10-question screen for childhood disability into its Multiple Indicator Cluster Survey programme, which had since become the largest source of internationally comparable data on children with disabilities for developing countries.

15. UNICEF supported childcare system reforms to reduce the use of institutional care for vulnerable children, especially those with disabilities. In addition to studies and surveys on disability in nine countries, several UNICEF country offices included disability within their broader social protection system reform efforts, particularly income support schemes. Poor school attendance in a number of countries, however, remained a serious concern. Education was a basic right of all children, including those with disabilities. UNICEF therefore supported the development of national frameworks for inclusive education. In terms of school construction, UNICEF advocated and provided technical resources for improved infrastructure to make all facilities accessible for children with disabilities. UNICEF also worked to protect the rights of children with disabilities in emergency and conflict situations.

16. If UNICEF was to meet its responsibilities in realizing the rights of children with disabilities, it must address some internal challenges, including developing an organizational policy on disability and rapidly building capacity to mainstream the issue of disability throughout its activities. In the immediate future, UNICEF would benefit greatly from the appointment of a disability expert, as well as from active recruitment of people with disabilities for assignments throughout the Organization.

17. *Mr. McLay (New Zealand), Acting Vice-President, took the Chair.*

18. **Mr. Fané** (Mali) said that his country was taking steps to bring national legislation and regulations into line with the Convention. Even before ratifying the Convention, Mali had long promoted and protected the rights of persons with disabilities. Specifically with regard to accessibility, Mali had adopted legislative measures to ensure that persons with disabilities had access to public buildings, special education services and necessary medical assistance. The national Federation of Persons with Disabilities, with the support of the European Union, had transcribed the Convention into Braille and sign language. The Government continued to support the Federation by funding the income-generating activities of organizations of persons with disabilities. Finally, he supported the establishment of a fund for implementation of the Convention.

19. **Mr. Stenta** (Italy) said that while the current session of the Conference of States Parties had provided some opportunities for States parties to exchange ideas, it was crucial to ensure that the next session would provide for the participation of many more countries, whose sharing of real political developments and policies would allow the United Nations system to improve its activities for persons with disabilities.

20. States parties should ensure that any mainstreaming measures they adopted remained true to the spirit of the Convention and complied with its guidelines.

21. In the past, Italy had stressed the importance of incorporating the issue of disability into the framework of the Millennium Development Goals. Italy remained firmly committed to furthering efforts to that end and would support all initiatives that advanced the rights of persons with disabilities and the Goals. His delegation had submitted a paper that would soon be distributed to all States parties; he hoped that the Conference President and Bureau would transmit it to the General Assembly and the Third Committee for consideration as an addendum to the United Nations Millennium Declaration.

22. **Ms. Tiramonti** (Argentina) said it was crucial that the Conference of States Parties should clarify certain issues, such as the prevention of disabilities resulting from war, lack of education and unsafe transportation systems. It was important to promote more just societies as well as communicate a message of world peace.

23. **Mr. Asrih** (Morocco) said that his country was working with UNICEF and other agencies to develop a strategy for inclusive education; it had furthermore begun a national dialogue on implementation of all aspects of the Convention and on the establishment of a fund to benefit disabled children of modest backgrounds. Finally, Morocco sought to mainstream the issue of disability throughout its various national programmes; cooperation of States parties and the United Nations system was crucial in that regard. He urged other States parties to consider the proposal his delegation had made with regard to a United Nations fund to advance implementation of the Convention.

24. **Ms. Alarcón** (United Nations Development Programme) said that, as the representative of UNICEF had indicated, one of the biggest challenges facing States parties in implementing the Convention was insufficient data on the issue of disability. It was therefore crucial for States parties and the United Nations system to join forces in that regard. Incorporating the issue of disability in the Millennium Development Goals was essential to ensuring a more inclusive process as well as achieving some of the key Goals. She invited States parties to initiate a national dialogue similar to that taking place at the current session of the Conference of States Parties, in cooperation with United Nations agencies and other partners, in order to make the objectives of the Convention and of the Millennium Development Goals a reality.

25. **Mr. Wolfe** (United Kingdom) said that the excitement and sense of urgency that had prevailed at the current session of the Conference must be kindled in States parties' home communities. That could be challenging, but it was encouraging to hear that some States parties had already taken steps to comply with their obligations under the Convention. It was important for the United Nations to determine which mechanisms were appropriate for the sharing of best practices, which he would urge States parties to introduce at the national level.

26. **Ms. Peña Paula** (Dominican Republic) joined other delegations in supporting the establishment of a fund to help States parties implement the Convention. She would appreciate guidance on what low-income countries, which often lacked funding and technical resources, could do to support implementation of the Convention.

27. **Ms. Gendi** (Egypt) said that while the coming into force of the Convention was itself an achievement, it was important to ensure coordination between the Convention and other previously existing instruments, and in particular with the Special Rapporteur on disability of the Commission for Social Development. She wished to know whether figures were available on persons with disabilities working within the United Nations system. She also wondered whether any studies had been done on the root causes, as opposed to the effects, of disabilities, and what programmes existed to assist Member States in addressing disabilities resulting from armed conflict.

28. **Ms. Gibbons** (United Nations Children's Fund) said that the primary mechanism for sharing best practices was country reporting to the Committee.

While the United Nations stood ready to provide what assistance it could, there were a number of things that countries with limited resources could do on their own, from shining the light on disability issues in general to measures as simple as making sure that schools had latrines that were accessible to disabled children. She expected the Convention to give added impetus to work already being done by UNICEF to implement the disability-related provisions contained in article 23 of the Convention on the Rights of the Child. UNICEF had a number of programmes relating to both the treatment and prevention of disabilities resulting from landmine accidents.

29. **Mr. Mekhiber** (Office of the United Nations High Commissioner for Human Rights) said that in addition to constructive dialogue between the Committee and States parties within the framework of the reporting process, other tools were being developed by OHCHR to encourage the dissemination of best practices. OHCHR was also making efforts to mainstream the provisions of the Convention throughout the United Nations system. He agreed that coordination among all the various treaty bodies was crucial for ensuring efficiency and consistency in implementing the Convention.

30. **Mr. Gonnot** (Department of Social and Economic Affairs) said that the link between the Convention and the Millennium Development Goals was covered in the report on that topic (A/64/180) to be presented to the sixty-fourth session of the General Assembly. He agreed with previous speakers on the need for coordination, in particular among the Convention, the World Programme of Action concerning Disabled Persons and the Standard Rules on Equalization of Opportunities for Persons with Disabilities. Inter-Agency Support Group discussions on a coordination strategy were ongoing. Although the issue of prevention of disabilities lay outside the scope of the Convention, it was dealt with in a report scheduled to be released by the World Health Organization (WHO) and the World Bank, and, as the representative of UNICEF had indicated, was also being addressed within the context of work relating to landmines.

31. **Mr. Dornelles** (Brazil) supported the comments made by the representative of Italy on the importance of international cooperation, as provided for in article 32 of the Convention, and of agreed-upon written guidelines for the work of the Committee. He also wished to reiterate the suggestion made by his Ambassador on the first day of the session that the Committee might consider making a study of the treaty proposal on exceptions and limitations on copyright for the benefit of the blind and other reading-disabled persons that was being negotiated at the World Intellectual Property Organization (WIPO). Such a study should reflect the principles enunciated in the Convention with respect to international cooperation, accessibility, participation in cultural life and the dangers of barriers imposed by intellectual property rights.

32. **Prince Al-Hussein** (Jordan) expressed concern that there were no plans for a final statement to be issued by the Conference.

33. **Mr. Buntan** (Thailand) said that he, too, was concerned that there were no plans for a final statement that would send a message to the General Assembly. Greater accessibility within the United Nations system itself would signal genuine commitment to the principle of accessibility set out in the Convention.

34. **Mr. Villa** (Chile) said that his country supported continued discussion of copyright issues at the next session. Guidelines for implementation of the Convention should be incorporated into national plans and follow-up mechanisms needed to be established. States parties should be allowed to submit comments on the guidelines before they were finalized in October 2009.

35. **Ms. Sinyo** (Kenya) said that she appreciated that the Conference Secretariat had made material available in Braille. In her country, Government contracts were required to include provisions relating to disability, but United Nations agencies were often slow to release funds for implementation. She urged establishment of a fund specifically to support the mainstreaming of disability issues.

36. **Mr. Trömel** (International Disability Alliance) said that, now that implementation of the Convention by States parties had been discussed, it was only fitting that the final meeting should address what the United Nations was doing to that end. The Convention needed to be established as a "superseding instrument" with regard to all United Nations policies and programmes, and he wished to hear what action UNICEF and UNDP were taking to ensure a more systematic approach to bringing their activities into line with it. He expressed particular concern that in some cases the medical

model rather than the social model continued to be reverted to, and urged fuller inclusion of organizations of persons with disabilities in the work of international agencies to counteract that trend.

37. *Mr. Heller (Mexico) resumed the Chair.*

38. **Ms. Atalla** (Latin American Network of Non-Governmental Organizations of Persons with Disabilities and their Families) said that during the Forum on the emerging theme of the global economic crisis, poverty and the implementation of the Convention, various impacts of the global economic crisis on persons with disabilities had been discussed. Persons with disabilities were often the last to be hired and the first to be fired, at the very time when the crisis had brought about cuts in funding for programmes to protect them and their rights. Unless concerted efforts were made, persons with disabilities, and in particular children with disabilities, would continue to be affected by the crisis even after it was over. But the economic crisis also presented an opportunity to mainstream persons with disabilities into recovery plans, with a focus on increasing access by persons with disabilities to education and employment while working to change cultural attitudes so that persons with disabilities would be viewed as active contributors to economic development rather than as a drain on resources.

39. Steps should also be taken to ensure that disability issues were mentioned in relevant General Assembly resolutions and discussed at the 2010 Millennium Development Goals review conference. She wished specifically to reiterate proposals made at the International Disability Alliance's IDA-CRPD Forum calling for inclusion of persons with disabilities in national anti-poverty plans, bilateral and multilateral development programmes, and all initiatives related to the Millennium Development Goals.

40. **Mr. Al-Tarawneh** (Committee on the Rights of Persons with Disabilities) said that while the Convention had generated great enthusiasm, effective implementation depended on integrating its goals into the larger international human rights framework. Governments, international organizations and non-governmental organizations needed to work together to urge States that had not yet done so to ratify the Convention and to stress the importance of the Optional Protocol as a necessary component for ensuring that advancement of the rights of persons with disabilities would be comprehensive. National, regional and global activities should be coordinated and mutually reinforcing. The momentum generated by adoption of the Convention needed to be transferred to implementation, so that the 650 million persons with disabilities around the world could benefit fully from the first human rights convention of the twenty-first century.

Other matters

41. **The President** suggested that the third session should be held in September 2010.

42. *It was so decided.*

43. **The President** said that in accordance with the Convention, article 34, paragraph 7, the term of six of the members of the Committee, who had been chosen by lot at the first Conference, would expire at the end of two years. Those members, whose terms would expire on 31 December 2010 were: Mr. Ben Lallahom (Tunisia), Mr. Kőnczei (Hungary), Mr. McCallum (Australia), Ms. Maina (Kenya), Mr. Torres Correa (Ecuador) and Mr. Uršič (Slovenia). In accordance with article 34, paragraph 2, upon the eightieth ratification of the Convention, the membership of the Committee would increase by six members, attaining a maximum number of 18 members. In accordance with article 34, paragraph 6, the Secretary-General would address a letter to the States parties inviting them to submit the nominations and subsequently prepare a list of all persons thus nominated, indicating the States parties which had nominated them, and submit it to the States parties.

44. In accordance with rule 9 of the Conference rules of procedure, the terms of the members of the Bureau would expire on 30 October 2010, so a new Bureau would also have to be elected at the third session.

45. He suggested that the Convention Secretariat be requested to supply States Parties with a compilation of the best practices discussed at the session.

Closing of the meeting

46. **The President** declared the second session of the Conference of States Parties closed.

The meeting rose at 12.40 p.m.